



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 08 2017

Conor Dunphy

Woodside, NY 11377

RE: MUR 7232

Dear Mr. Dunphy:

The Federal Election Commission reviewed the allegations in your complaint received on April 10, 2017. On July 12, 2017, based upon the information provided in the complaint, and other available information, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close its file in this matter. Accordingly, the Commission closed its file in this matter on July 12, 2017.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). A copy of the General Counsel's Report is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read "Lisa J. Stevenson", is written over the typed name and title.

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

170444425411

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

SENSITIVE

MUR: 7232

Respondents: Unknown

Complaints Receipt Date: April 10, 2017

Response Dates: N/A

EPS Rating:

Alleged Statutory

52 U.S.C. § 30122;

Regulatory Violations:

11 C.F.R. § 110.4(b)(1)(i), (ii)

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Complainant Conor Dunphy alleges that an unidentified party may have defrauded him, Hillary for America ("HFA"), or both.¹ Complainant states that he was notified by HFA that he had paid or contributed \$100 to HFA, but he denies making a \$100 payment, and states that his bank was unable to find any evidence of such payment. The Complainant further states that he contributed \$50 to HFA at a later date.² FEC records indicate that HFA never reported receiving any contributions from, nor making any disbursements to, the Complainant.³

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the

¹ Hillary for America was the principal campaign committee for the presidential campaign of Hillary Clinton. HFA was not notified of the Complaint.

² The Complaint did not provide documentation of any notification from HFA of payments to or from HFA, nor did it provide any bank records. The Federal Election Campaign Act of 1971, as amended, and Commission regulations provide that no person shall make a contribution in the name of another person, or knowingly permit his or her name to be used to effect such a contribution. 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b)(1)(i), (ii).

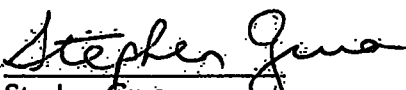
³ A search of FEC records showed that HFA received 109 contributions from persons with the same last name as the Complainant, however, none had the same first name, and no contributions from persons with that last name were made from the Complainant's home state.

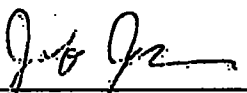
electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the amount at issue, and the lack of available information on the public record to support the Complainant's allegations, we recommend that the Commission dismiss the complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to the unknown respondent and send the appropriate letter to the Complainant.

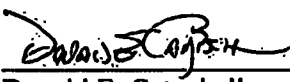
Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel

6.21.17
Date

BY: 
Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney